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REVIEW OF PRIORITY THEMES

Draft plan of action on the elimination of violence against women

Report of the Secretary-General

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INTRODUCTION

1. The present report contains a draft plan of action of the Secretary-General on the elimination of violence against women, formulated in accordance with Economic and Social Council resolution 1995/27 of 24 July 1995, section IV (C), on the elimination of violence against women. In that resolution, the Council requested the Secretary-General to seek the contributions of interested Member States, institutes comprising the United Nations crime prevention and criminal justice programme network, and intergovernmental and non-governmental organizations, in order to prepare a draft plan of action, in the context of crime prevention and criminal justice, on the elimination of violence against women that will provide practical and action-oriented suggestions on how to address this issue by means of, *inter alia*, legislative action, research and evaluation, technical cooperation, training and the exchange of information.

2. In formulating the draft plan of action, due regard has been given to the views and observations of States; the activities of the network of institutes, as reflected in the report of the Secretary-General on activities of United Nations bodies and institutions with regard to the issue of violence against women and children (E/CN.15/1995/5); the outcome of the Fourth World Conference on Women, held at Beijing from 4 to 15 September 1995, in particular the Beijing Declaration[1] and the Platform for Action;[2] and the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995;[3] and the preliminary report submitted by the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/1995/42).* Account was taken of the legislative action, policy pronouncements, reports and studies, and other work thus far accomplished throughout the United Nations system in the programme areas of crime prevention and criminal justice,** the advancement of women, human rights, children's rights and refugees. In formulating the plan, the views of the Special Rapporteur on violence against women, its causes and consequences, of the Centre for Human Rights of the Secretariat, of the Division for the Advancement of Women, and of the United Nations Development Fund for Women (UNIFEM) were taken into account.

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*See also the most recent reports by the Special Rapporteur on Violence against Women to the Commission on Human Rights (E/CN.4/1996/53 and Add.1 and 2). Addendum 2 contains a framework for national legislation on domestic violence.

**A series of resolutions were adopted by the General Assembly and the Social Council and its subsidiary bodies in the field of crime prevention and criminal justice, the first of its kind being General Assembly resolution 40/36 on domestic violence, adopted on the recommendation of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1985. Many technical, policy-oriented reports, studies, global surveys and other activities were accomplished, over the years. See, in particular, the following documents: note by the Secretary-General on progress achieved with respect to the implementation of General Assembly resolution 40/36 on domestic violence (E/AC.57/1988/12); report of the Secretary-General on the fair treatment of women by the criminal justice system (A/AC.57/1984/15); report of the Secretary-General on the fair treatment of women by the criminal justice system (A/CONF.121/17 and Add.1); report of the Secretary-General on the situation of women as victims of crime (A/CONF.121/16); report of the Secretary-General on domestic violence (A/CONF.144/17); and the report of the Expert Group Meeting on Victims of Crime and Abuse of Power in the International Setting (E/CN.15/1996/CRP.1, chap. I). See the following General Assembly resolutions: 40/35 of 29 November 1985 on the development of standards for the prevention of juvenile delinquency; 40/34 of 29 November 1985 on the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, annex; 45/114 of 14 December 1990 on domestic violence; and 45/112 of 14 December 1990 on the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), annex. See the reports of the seventh (A/CONF.121/22/Rev.1), eighth (A/CONF.144/28/Rev.1) and ninth (A/CONF.169/16/Rev.1) congresses; and the Discussion Guide for the Ninth United Nations Congress (A/CONF.169/PM.1). See also the report of the Secretary-General on practical measures in the field of crime prevention and criminal justice to eliminate violence against women (E/CN.15/1996/12, chap. I).

3. In its consideration of the proposed draft plan, the Commission on Crime Prevention and Criminal Justice is invited to consider the following action recently taken by the General Assembly:

(a) General Assembly resolution 50/167 of 22 December 1995 on traffic in women and girls, in which the General Assembly requested the Commission to consider appropriate follow-up to the Ninth Congress on measures to address the problem of trafficking in women and children, and to submit a report thereon to the Secretary-General, through the usual channels, for inclusion in his report to the General Assembly;

(b) General Assembly resolution 50/168 of 22 December 1995 on violence against women migrant workers, in which the General Assembly requested all relevant bodies and programmes in the United Nations system, when addressing the issue of violence against women, to give particular attention to the issue of violence perpetrated against women migrant workers, and to submit reports thereon to the General Assembly;

(c) General Assembly resolution 50/166 of 22 December 1995 on the role of the United Nations Development Fund for Women in eliminating violence against women, in which the General Assembly requested the Administrator of the United Nations Development Programme (UNDP), in consultation with the Secretary-General, as well as with the relevant United Nations organs and bodies, including the Crime Prevention and Criminal Justice Division, to consider the possibility of establishing a trust fund in support of national, regional and international actions to eliminate violence against women.

I. SUBSTANTIVE BACKGROUND

4. The Nairobi Forward-looking Strategies for the Advancement of Women,[4] adopted by the United Nations World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, held at Nairobi in 1985, identified violence against women as a major obstacle to the achievement of the objectives of the United Nations Decade for Women. The Declaration on the Elimination of Violence against Women (General Assembly resolution 48/104 of 20 December 1993) defined the scope of violence against women. The Vienna Declaration and Programme of Action[5] of the World Conference on Human Rights in 1993 defined all forms and manifestations of violence against women as human rights violations.

5. Recent global conferences have made significant contributions to the treatment of issues relating to women. Those conferences included the following: the Summit on the Economic Advancement of Rural Women, held at Geneva from 25 to 26 February 1992; the United Nations Conference on Environment and Development, held at Rio de Janeiro, Brazil from 3 to 14 June 1992; the International Conference on Population and Development, held at Cairo from 5 to 13 September 1994; and the World Summit for Social Development, held at Copenhagen from 6 to 12 March 1995.

6. Following prior action taken by the sixth, seventh and eighth United Nations congresses on the prevention of crime and the treatment of offenders, the Ninth Congress adopted resolution 8 on the elimination of violence against women, in which it condemned all acts of violence identified in the Declaration.

7. Also of special relevance in that regard are: the Plan of Action for the Elimination of Harmful Traditional Practices affecting the Health of Women and Children (A/CONF.177/10); the draft programme of action on the traffic in persons and the exploitation and prostitution of others;* the Guidelines on the

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*Submitted to the Subcommission on Prevention of Discrimination and Protection of Ministries of the Commission on Human Rights in the report of the Working Group on Contemporary Forms of Slavery on its twentieth session (E/CN.4/Sub.2/1995/28/Add.1). See also the report of the Working Group (E/CN.4/Sub.2/1995/28) for a discussion of the problem of trafficking in women and girls.

Prevention of and Response to Sexual Violence against Refugees and Guidelines on the Protection of Refugee Women;* and the World Programme of Action for Youth to the Year 2000 and Beyond (General Assembly resolution 50/81, annex, of 14 December 1995).

8. The pertinent international instruments are the following: the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (General Assembly resolution 317 (IV) of 2 December 1949, annex) and the Convention on the Elimination of all Forms of Discrimination against Women (General Assembly resolution 34/180 of 18 December 1979, annex); the Geneva Conventions of 1949[6] and the Protocols Additional to the Geneva Conventions of 1949;[7] the Universal Declaration of Human Rights (General Assembly resolution 217 A (III)); the International Covenants on Human Rights (General Assembly resolution 220 A (XXI) of 16 December 1966, annex); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 39/46 of 10 December 1984, annex); the International Convention on the Elimination of all Forms of Racial Discrimination (General Assembly resolution 2106 A (XX) of 21 December 1965, annex); and the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families (General Assembly resolution 45/158 of 18 December 1990, annex).

9. International instruments and standards specifically applicable to the girl child include: the Convention on the Rights of the Child (General Assembly resolution 44/25 of 20 November 1989, annex); the World Declaration on the Survival, Protection and Development of Children and Plan of Action of the 1990 World Summit for Children; and the United Nations juvenile justice instruments, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) (General Assembly resolution 40/33 of 29 November 1985, annex), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) (General Assembly resolution 45/112 of 14 December 1990, annex); and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (General Assembly resolution 45/113 of 14 December 1990, annex).

10. Violence against women and the girl child has been dealt with from different perspectives by different programmes within the United Nations system, including the Crime Prevention and Criminal Justice Division, the Centre for Human Rights, the Division for the Advancement of Women and the specialized agencies, in particular the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization. The subject-matter has become the responsibility of various functional commissions of the Economic and Social Council, including the Commission on Crime Prevention and Criminal Justice, the Commission on Human Rights and the Commission on the Status of Women (which monitors the implementation of the Beijing Declaration and Platform for Action), in addition to the Committee on the Elimination of Discrimination against Women. The work of all those bodies has been taken into account in the formulation of the draft plan of action of the Secretary-General.

11. The Commission on the Status of Women - the policy-making body on women's issues - has adopted a series of resolutions, condemning and calling for the elimination of all forms of violence perpetrated against women and the girl child. To that end, the Commission invited the close collaboration between the Division for the Advancement of Women and the Crime Prevention and Criminal Justice Division, which, in fact, has been pursued for many years on this and other related matters concerning the fair treatment of female victims of crime by criminal justice systems. The Commission on the Status of Women has consistently called for a more appropriate response on the part of criminal justice systems toward the elimination of such violence. During its sessions, the Commission on the Status of Women has received communications, confidential and in other forms, indicative of a serious situation in respect of women in detention.

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*See document EC/SCP/67, annex, of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees.

12. The Committee on the Elimination of Discrimination against Women, which is responsible for overseeing the implementation of the Convention on the Elimination of All Forms of Discrimination against Women by States parties thereto, considers information from periodic reports of States parties concerning their approaches and initiatives in respect of violence against women.

II. OVERVIEW OF GOVERNMENT OBSERVATIONS AND OTHER COMMENTS

13. Views and observations regarding the formulation of the draft plan of action have thus far been received from 24 Governments: Argentina, Australia, Austria, Bahrain, Belgium, Bolivia, Canada, Cuba, Greece, Guatemala, Iran (Islamic Republic of), Italy, Japan, Jordan, Malta, Mauritius, Mexico, Norway, Panama, Paraguay, Portugal, Qatar, Singapore, Spain and Turkey.* Comments were also received from the Council of Arab Ministers of the Interior. Contributions included general comments, examples of specific measures in place and action or initiatives taken toward criminal justice reform, suggested elements or subjects to be covered in the draft plan of action, as well as proposals for its eventual follow-up and implementation, all of which has been duly considered by the Secretary-General in formulating the draft plan of action.

14. A number of respondent States agreed that the Platform for Action of the Fourth World Conference on Women, as well as the Plan of Action for the Elimination of Violence against Women were considered to be of special importance and high priority, and should serve as a reference point for further work on violence against women. Those States indicated that they were implementing or planning the implementation of the Platform for Action in its entirety, including through the formulation and adoption of national plans, programmes and strategies. Respondents were of the view that the goals and strategic objectives (D.1-3) defined for the area of priority concern covering the elimination of violence against women fell within the purview of criminal justice systems.

15. Respondents agreed with the definition and scope of violence against women as set out in the Platform for Action and in the Declaration on the Elimination of Violence against Women. A number of States reported moving toward the enactment of new criminal laws and procedures so as to broaden the definition, which currently included harassment (within and outside the workplace), coercion, intimidation and psychological and emotional, in addition to physical, harm or violence. They have also broadened definitions of rape and sexual offences (within and outside marriage), relaxed measures for proving or pressing charges against abusive spouses and abolished intrusive procedures for gathering evidence on sex crimes. A number of States emphasized the central importance of legislating in those areas and criminalizing and sanctioning such acts.

16. The specific initiatives reported and perspectives expressed by States are reviewed below.

17. In Argentina, a series of measures were taken to stem violence against women, and to improve the response of the criminal justice system to female victimization. Under a law of 1994 on the protection of the family against violence, it is a criminal offence to inflict psychological or physical violence on family members. An important initiative was the establishment of police stations in order to encourage victimized women to report violent acts perpetrated against them. Sexual harassment was included in the Penal Code, and a new draft law has broadened the legal scope and definition of rape. Sexual harassment has been incorporated into the codes of conduct and rules governing the civil service. Labour courts recently made precedent-setting rulings on cases of sexual harassment, giving due weight to the testimony of victims.

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*The institutes comprising the United Nations crime prevention and criminal justice programme network also provided information on activities undertaken or planned to deal with the problem of violence against women, as reflected in the report of the Secretary-General on practical measures in the field of crime prevention and criminal justice to eliminate violence against women (E/CN.15/1996/12).

18. In Australia, laws, policies and decision-making processes have been greatly influenced by United Nations action and international instruments which have provided standards reflecting the aspirations of the international community regarding the human rights of women, particularly with respect to the links between violence against women and the unequal status of women. The World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace gave impetus to the development of an Australian national agenda for women, the blueprint of the Federal Government for improving the status of women. Strategies to stop violence against women have been a key part of this blueprint. Similarly, a recent in-depth report by the Law Reform Commission of Australia on equality before the law, drawing upon the work of the Committee on the Elimination of Discrimination against Women, detailed the nexus between systemic violence against women, the legal response to such violence and the legal inequality of women, and proposed concrete measures for reform. It was the experience of Australia that, in its reformative action, a greater gender balance in the police force helped to change the attitudes of male police officers towards women, creating a culture where women's grievances were dealt with appropriately. Australia submitted a comprehensive paper on the nature and extent of its initiatives to reform its criminal justice system in order to address the problem of violence against women.

19. In Austria, the Minister of Justice and the Minister for Women's Issues held a public enquiry on women and the law in 1993. A report was presented to the Government of Austria proposing a number of measures to reduce and prevent violence in the family. The Government decided to set up working groups to study ways and means of improving legislation. A draft provision of the Federal Law for Protection against Violence in the Family was under discussion to enable a police officer called to a family home in the case of a violent incident to immediately order the abuser out of the home and prohibit him from returning. The provisional eviction may be followed by a temporary injunction to be issued by a family court, ordering the abuser to leave the domicile permanently. The court would be empowered to prohibit the perpetrator from returning to or visiting the domicile for any purpose or length of time, from visiting places frequented by the victim, or from contacting the victim. Victims of violence in the family were to be provided with a special facility, the intervention service, for counselling, monitoring and assisting in obtaining various forms of additional support, as well as contributing to efforts to raise community awareness about the problem. A special working group was currently considering how to achieve both general and special deterrence and how to strengthen the position of the victims.

20. Bahrain pointed out that the status and rights of women were duly safeguarded under Islamic law, religion, culture and tradition. Islam, the source of law, outlawed the use of all forms of violence against persons, and dealt effectively with violations of that legal, religious and moral tenet. Islam urged respect for, and protection of, all women. Operating under the Islamic legal system and traditions, Bahraini society rejected violence outright, particularly violence against women. In fact, violence against women in Bahrain was a rare phenomenon, owing to the protection afforded to women by the religious, legislative and social tenets of Islam. Nevertheless, legislators attached great importance to the elimination of violence against women. Laws have been promulgated on the suppression of rape, the penalty for which could be up to life imprisonment, and on the suppression of crimes of physical violence against women. A woman who filed a complaint against her spouse for maltreatment had to obtain medically certified proof, upon which fact the abusive spouse would be summoned for appropriate action.

21. Belarus decided to adopt measures to improve the status of women in conformity with the Convention on the Elimination of All Forms of Discrimination against Women. A national plan provided for security of life, health and employment of women. The Penal Code ascribed criminal responsibility for illegal interruption of pregnancy, compulsion of a woman to sexual intercourse, sexual intercourse with a woman under 16 years of age, and the use of a residence for prostitution and procurement, production and sale of pornographic material; and the Ministry of Justice monitored the incidence of such acts. Criminal procedure called for fair and consistent enforcement of relevant laws, with criminal proceedings being initiated only on the complaint of the victim in the case of rape, with no possibility for reconciliation of the parties. Criminal

procedure allowed for victim support in case of prosecution, either personally or through representatives and the representation of public organizations during court proceedings. Females and males were kept in completely separate institutions in accordance with the penal and correctional codes.

22. Belgium took a series of steps to implement the Platform for Action, including measures geared toward the elimination of violence against women. Its policy was centred around the police, was designed to avoid the secondary victimization of victims of violence, and was reflected in guidelines providing for suitable premises for care and assistance, the number of which was due to increase. Action has been taken to offer special training as part of the curriculum of all police schools and the Royal Gendarmerie College. The judicial treatment of cases of physical and sexual violence against women, including domestic violence, is currently the subject of study. Problems have arisen since statements alleging physical and sexual violence against women were still too rarely considered a priority, and were too often filed with no further action at the level of the public prosecutor; and complaints and collection of evidence regarding acts of sexual violence gave rise to difficulties with regard to the utilization of the technical means available. The minister responsible for the equal opportunities policy of Belgium has announced that appropriate action will be taken to include in the Criminal Code provisions prohibiting the ritual genital mutilation of females. The policy for combating sexual harassment in the workplace will be continued, and the possibility of applying the regulations in new areas will be considered.

23. Bolivia established a national plan, upgraded to a national strategy, to prevent and eradicate violence against women, the implementation of which was entrusted to its Under-Secretariat for Gender Affairs. Studies carried out in the country showed that the problems affecting women stemmed from the absence of policies designed to stimulate greater participation of women in public affairs, from the higher levels of illiteracy (65 per cent) and underemployment and the lower levels of income (57 per cent) among women, from the delegitimizing of the work of women, from the difficulty experienced by women in reaching decision-making levels, and from other conditions that prevented them from playing a meaningful role in the economic, political, social, cultural and legal life of their country. It brought to the attention of the Secretary-General some of the far-reaching measures called for by the General Assembly of the Organization of American States regarding the duty of States under the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women,[8] which it had endeavoured to implement.

24. Canada considered violence against women, within and outside the home, as a barrier to the full participation of women in society. It expressed concern about the "intergenerational transmission of violent behaviour", and stated that the prohibition and regulation of firearms, criminal harassment of women and sex tourism were major issues for Canada. While the problem had already been addressed by a number of bodies at the international level, it had yet to be comprehensively dealt with in the context of criminal law. To that end, and with a view to complementing the process started at Beijing and implementing the Platform for Action, the Commission should adopt a document which specifies the various practical measures that could be introduced in the field of crime prevention and criminal justice to address the problem of violence against women. Canada submitted a contribution on such practical measures, strategies and activities, and stressed the importance of disseminating the United Nations Guide for Practitioners on Domestic Violence.

25. Cuba was of the view that the plan should recommend that States undertake a non-sexist updating and revision both of international human rights instruments, in particular the Universal Declaration of Human Rights, and of national laws, procedures and regulations, so as to ensure gender equality and equality in terms of rights, treatment and protection under the law. High priority had to be given in the plan to measures calling for a comprehensive reform of education, particularly of children and adolescents, from a gender perspective and with emphasis on prevention, raising awareness and inculcating norms and principles that would make violence against females incompatible with decent human relations. Parents likewise had to undergo training and awareness-raising. Such initiatives were best achieved in a community setting with the assistance of volunteers. Educational approaches and all curricula, texts and other material and language must be revised to ensure their conformity with the contemporary requirements of achieving gender equality and

eliminating sexism and discrimination. In order to achieve the goals of the plan, it was essential to provide females with the opportunities and means to secure financial independence, rather than perpetuating their financial dependence. Other issues which should be included in the plan, examined and subjected to research in terms of their interrelationships with and effects on violence against women and the human rights of women are the following: poverty and the feminization of poverty; imposition by powerful States on the less powerful of sanctions that undermine the food supply, health and the life of the female population of the affected State. The United Nations documents should identify those countries which guarantee the human rights of women.

26. Greece reported that it had enacted legislation protecting women against a number of criminal offences, particularly sex offences. Its Penal Code included a special chapter of provisions which prohibited financial exploitation of "the sexual life of women". Those provisions covered the following categories of criminal acts: rape, seduction or the facilitation thereof, exploitation of prostitution, procurement, abduction and kidnapping. In the course of their in-service training, police officers were sensitized to the behaviour and attitudes necessary to deal fairly with female victims of sex crime, cases of which were handled exclusively by female officers, with great care for safeguarding personal integrity and well-being. A reception centre for abused women operated in Athens, providing services to both women and their children. There was currently no indication of an alarming incidence of sex crime in Greece, and no case of female genital mutilation had thus far been officially reported. Legislation designed to establish gender equality had been enacted in Greece.

27. Guatemala approached the elimination of violence against women through the establishment and enforcement of comprehensive, effective, coordinated government policy, in collaboration with relevant organizations and individuals. Sustainable development was of particular importance in the eradication of structural forms of violence like violence against women. The mechanism of justice was the basic means of achieving equality. Violations of the human rights of women in all cases engaged the responsibility of the State by virtue of its duty to guarantee universal human rights to its citizenry regardless of gender. Every State was answerable for any violations for which it was either directly or indirectly responsible, whether through acts or omissions, and for any immunity allowed to perpetrators. States had an obligation to prevent, punish and eradicate violence against women; restitution for any harm inflicted was to be provided by those who caused or failed to prevent it. States had failed to fulfil their obligation to guarantee the right of women to live free from violence, and were thus responsible for any impunity associated with the commission of such violence. It was therefore the duty of the State to design effective policies and practices to eliminate violence against women in all its forms. Guatemala submitted a contribution in the form of a plan of action on the elimination of violence against women.

28. The Islamic Republic of Iran called upon States to take the necessary measures to enact and strengthen civil and penal codes and disciplinary regulations to prevent violence against women and effectively to prosecute, punish and correct the conduct of perpetrators of such violence, including individuals, officials and institutions, and to provide appropriate treatment and support for the victims. It called upon States to draw up national action plans to combat all forms of violence against women, and to support international organizations which could assist them in that endeavour. It also proposed consideration of the feasibility of compiling a single convention on violence against women. The Islamic Republic of Iran identified desirable features of the draft plan, and proposed measures for its effective follow-up at the national, regional and international levels.

29. Italy was of the view that prevention, especially of sexual abuse, was central to the elimination of violence against women in all its forms, and should have a prominent place in the plan of action. Other elements identified as important, especially as regards sex crime, were: the adoption of adequate legislation; the setting-up of special offices at police stations with separate facilities; the provision of assistance and especially trained practitioners to handle female victimization; conducting specialized, multifaceted training courses; setting up specialized police units; establishing national reference centres to collect and analyse data

and effectively monitor, prevent and suppress the phenomenon; education; coordination; and information dissemination. The Penal Code of Italy was recently amended in respect of sex crime and sexual harassment. In particular, rape and violent sex crime carry a term of imprisonment of 5 to 14 years. The crime of sexual abuse committed by a group carries a criminal penalty of 6 to 12 years of imprisonment; kidnapping for the purpose of or involving sexual abuse is nevertheless classified as the offence of kidnapping. Strict rules of procedure guarantee confidentiality and privacy for victims. In 1988, the Ministry of the Interior issued directives to set up specialized units to deal with rape cases and to organize training seminars for practitioners dealing with sex offences. Italy has set up a national reference centre in the Public Security Department of its Central Directorate of Criminal Police.

30. In Japan, incarcerated and accused female inmates, both adult and juvenile, were taken care of exclusively by female correctional officers. All female detainees were assigned to institutions solely for females. All female institutions had special facilities, courses and activities designed especially for females; the atmosphere was non-restrictive and supportive, compared to that in male institutions. Educational and psychodynamic programmes for male inmates who committed rape and other sex crimes against women had recently been developed and introduced in the correctional institutions.

31. The Constitution and other laws of Jordan prohibited discrimination against and violation of the rights of women, and afforded them equal opportunity before the law throughout society. Islamic law protected the status and rights of women, and prohibited any form of violence, maltreatment, exploitation, cruelty or abuse. Islam brought an end to the practice of burying female infants alive, and had further advanced the rights of women. The legal approach to sex crime against women, taking into account the Islamic normative system, attempted to avoid legal complications and to counter the impact on, and reprisals against, the victim, as well as to safeguard the rights, integrity and honour of the victim before the law, in the family and in community life. Perpetrators of sexual assault were required to marry their victim. Jordan submitted proposals on elements to be included in the draft plan.

32. Malta called for severe punishment to be imposed on perpetrators of violence against women. It was inappropriate to refer perpetrators to counselling, to attempt mediation or to award them a suspended sentence, probation or a fine. Protection orders should be issued as a matter of urgency in cases of violence (physical, emotional or sexual), so as to bar perpetrators from entering the residence of, or other places frequented by, the victim. Self-help or other custodial therapeutic programmes for perpetrators should help them overcome their violent behaviour, and convey the message that violence was unacceptable, and that it was the responsibility of the abuser to find alternatives to violence. Of utmost importance were: the development and acceptability of pertinent information for the general public and in school settings; the provision and availability of emergency shelters for victims; and specialized training for professionals across sectors. Malta submitted elements for inclusion in the draft plan.

33. In Mauritius, women represented a very high percentage of the total labour force. The fact that women were now working outside the home called for a redefinition of their traditional roles in society, and had led to certain problems, including violence against them. Large numbers of Mauritian women endured daily violence, sexual assault, harassment and torture. The Government of Mauritius had joined the growing number of Governments seeking criminal justice solutions to this type of crime, especially in terms of guidance to rectify deficiencies in the response of the criminal justice system. By way of example, specific legislation on domestic violence was absent from the Criminal Code. In 1991, incest was defined as a criminal offence by an amendment to the Criminal Code. Given the state of criminal law, it was legally impossible to prosecute marital rape. In cases of domestic violence, the actual incidence of which was unknown and could not be estimated, legal procedures available to the victim included: the right of the victim to request non-binding conciliatory measures from a magistrate who kept no record of the incident; an order issued by the magistrate to refer an alcohol-abusing perpetrator to a mental institution; the right of the victim to lodge a formal complaint of assault at the nearest police station, after which time an inquiry would be conducted and criminal proceedings could be initiated with the sanction limited to a fine or a term

of not more than one year of imprisonment; and the right of a victim to enter into a civil case for moral damages, in which case the victim would be liable for legal fees no legal aid is provided. In most cases of domestic violence, however, the victim, when reaching the stage of court proceedings, was reluctant to proceed in fear of retaliation, of further violence against her and her family members, and of harming the reputation of the family. Mauritius contributed a paper on the issue of violence against women.

34. Mexico expressed the view that the Commission on Crime Prevention and Criminal Justice was the appropriate body to develop, adopt and oversee the implementation of measures within its sphere of competence through the draft plan of action. The latter was designed to prevent, investigate and punish violence against women in all its forms, defining the most appropriate criminal laws, procedures and penalties, and spelling out the most practical and concrete national and international action and measures designed to achieve the strategic objectives (D.l-3 and L.1-9) outlined in the Platform for Action to counter violence against women and the girl child, as priority concerns. Mexico found it unacceptable to restrict consideration of "cross-cutting" gender issues like violence against women, which required an intersectoral, multidisciplinary, interprogramme approach, to a single forum, body or agency, because such an approach diminished the potential for effective action. On such matters, the United Nations must be extremely cautious in rationalizing its activities, and must stress the effectiveness of coordination among the various organs and agencies in the system.

35. In Norway, a plan of 1983 on violence against women emphasized measures to strengthen law enforcement functions as the central component of a crime prevention and criminal justice approach to that form of crime. In the light of the Beijing Declaration and Platform for Action, Norway now focuses on those categories of women identified as especially vulnerable to violence, such as migrant women, on which the plan of action should recommend measures.

36. Panama reported on legislative amendments to its Penal Code, dealing, *inter alia*, with the criminalization and penalization of physical or psychological aggression, violence and intimidation, corruption of minors and indecent assault, incest and the commission or knowledge of an act of domestic violence by a public or private official, as well as the failure to inform the proper authorities of such an act.

37. Portugal emphasized that, without the necessary legal framework, both substantive and procedural, allowing for swift, reliable and effective action, the goal of eliminating violence against women cannot be achieved. Criminal justice officials needed to act swiftly and appropriately to prevent and bring to justice cases of violence against women, and required specialized training to do so. Portugal contributed a series of measures to be included in the plan of action.

38. The Penal Code of Qatar included numerous provisions to protect women from violence and abuse, as required under the Islamic legal system. Islam legislated the rights of women 14 centuries ago, comprehensively and in depth. It guaranteed their protection and ensured the continuity of such rights. Islam honoured women, and was concerned with respect for their humanity and with the prevention of aggression against them in any shape or form. It granted women all rights, human, social, economic and legal. The Sharia promoted security in society through spiritual and ethical values and teachings which were based on the outright rejection of violence in all its forms, whether aimed at or causing physical, psychological or emotional harm. Application of its provisions provided significant guarantees for the total rejection and elimination of any aspect or form of violence against women, and for their decent treatment.

39. In Singapore, legislative measures providing for extensive protection to female victims of violence had been enacted. The Women's Charter was widely regarded as progressive legislation protective of the rights of women. Wide-ranging criminal penalties, from fines to mandatory imprisonment, were available to the courts under other legislation for acts of violence against women. In recognition of the need for a coordinated multi-agency approach, and in order to manage cases more effectively, an Interministerial Working Group chaired by the Minister of Home Affairs was set up in 1994, and a pilot project was initiated

in 1995 to integrate a range of actions, including those carried out by the police and voluntary organizations. In cases of domestic violence, Singapore strongly supported empowering the courts with the authority to issue protection orders for the victim and all other affected individuals, to stipulate penalties for any breech thereof, and to grant orders requested by third parties on behalf of the affected adults and children. It also supported action to improve the design and processing of medical report forms to enable speedy identification of and assistance to victims, to facilitate the filing of complaints and to ensure a more expeditious issuing of personal protection orders.

40. In Spain, legislative measures were adopted to make the law a more efficient instrument in protecting basic rights and promoting equality. The criminal law contained provisions affording special protection with respect to discriminatory situations, particularly those involving violence against women. The new Criminal Code of 1995 defined offences against sexual life and freedom, including sexual harassment. It also dealt with the situation of females in detention, especially in terms of maternity protection. An act was passed that guaranteed aid and assistance to victims of violent crime and of acts against sexual freedom. From 1993 to 1995, the Second Plan of Action for Equality of Opportunities for Women was implemented, some of the objectives of which were: to develop programmes directed at sexually abused and assaulted women; to establish basic services for women and families in need of help; and to promote a philosophy of education oriented towards equality of opportunities and elimination of discriminatory images of women presented by the media. Preparations were under way to establish a commission to draw up a joint plan action among ministries to deal with cases of abuse of and sexual aggression against women. An interministerial working group was established to coordinate multidisciplinary activities involved in providing care for women who were victims of aggression. A health guide entitled "Violence against women" increased understanding of the experience among female victims.

41. Turkey identified violence against women as one of the most serious problems of today and a cause of deep concern in the country, despite difficulties in the accurate assessment of its incidence. The hidden problem was exposed during the 1980s by the feminist movement, and had remained on the agenda of the country since then. Together with efforts to raise awareness, institutions for abused women, such as the six shelters that currently existed in the country, had been set up. A data and information bank providing free legal advice for female victims of violence had been set up within the Directorate-General for the Status and Problems of Women. There were three advisory centres run by volunteers, two of which were founded by voluntary associations. Studies on the role of the media and violence against women revealed that the perpetrator of such crimes was often the spouse or partner; the homicide of females, constituting the visible part of the problem of violence, was often motivated and justified by traditional considerations linked to male or family honour. Media reports of such cases were not unbiased. Television programmes portraying violence as part of everyday life had harmful effects on the young, and action by the Ministry for Women regulated the night-time viewing of such broadcasts. Women were placed in a differentially inferior position in the enjoyment of rights under the law and in the penal and civil codes, in which there was gender bias and discrimination. By way of example, violence in the family was regarded under the Penal Code as ill-treatment of close relatives, an offence punishable by 30 months of imprisonment, prosecution being contingent upon a complaint by the victim. A bill to remove legislative provisions that discriminated against women was under consideration in the context of the Platform for Action. Turkey suggested a series of elements to be included in the plan.

42. The Council of Arab Ministers of the Interior of the League of Arab States, on behalf of its 22 member States which adhered to the legal system, the religious and social precepts and the values, culture and traditions of Islam, emphasized that equal treatment for men and women was a legal prerequisite for the elimination of violence against women. Violence against women was a phenomenon shrouded in secrecy; efforts were made by the parties involved (the victim and her family) to suppress and conceal it from other parties or agencies, including the criminal justice system. Such acts were often excused on unacceptable grounds. For the sake of family and social cohesion and harmony and a continuation of conjugal relations, attempts were usually made at mediation and reconciliation when domestic violence against the female spouse

or other female family members occurred. Males resorted to the use of violence against females, and took decisions on behalf of females, as a means of repressing female abilities, preventing females from acting freely, and denying their self-realization and the exercise of their legitimate equal rights. The elimination of violence (especially violence against women) was one of the fundamentals of revealed laws and positive constitutions. The purpose of laws was to afford equal rights and protection, without discrimination between genders. The law could not, therefore, permit or condone the treatment of females in a manner characterized by violence, including reprimands, humiliation, correction, beating or other forms of inhumane treatment. The aim of laws was also to regulate conflicts and disputes in human relations, and to prohibit and penalize infringements of rights and freedoms, especially those involving acts of violence and abuse. Despite prohibitive and protective legislation, the rights of females continued to be violated. Effective application of the Sharia and its teachings would, however, protect the dignity and rights of females.

43. In the view of the Council of Arab Ministers of the Interior of the League of Arab States, the plan had to include the following important elements: equal treatment for men and women and protection under the law, including criminalizing and sanctioning all forms of violence perpetrated against females, repeal of discriminatory legal provisions that violated the rights of females; measures to encourage and facilitate the reporting of such offences to the justice authorities, and sanctions for those who fail to report them; legal provision of the right to separate or divorce in the event of the commission of acts of violence; prohibition of the acquisition, carrying or use of arms; and preventive education to raise awareness of the rights of females to equality and freedom, and of the risks and harmful effects of violence against females, and to promote aversion to such acts of violence, whether committed directly or indirectly. Phenomenological research was necessary on the causation, motivation and results of acts of violence against females, and on their impact on family life. Full account had to be taken of economic conditions; social, ethnic, cultural, religious or legal situations; conjugal circumstances; the nature and type of relations characterized by violence; and conditions of political persecution, social oppression, racial discrimination and unequal economic development, as well as violations of human rights and fundamental freedoms.

III. DRAFT PLAN OF ACTION ON THE ELIMINATION OF VIOLENCE AGAINST WOMEN IN ALL ITS FORMS: RESPONSE OF CRIMINAL JUSTICE SYSTEMS, OPERATIONS AND PROCESSES

A. Introduction

44. The Declaration on the Elimination of Violence against Women, proclaimed by the General Assembly in its resolution 48/104 of 20 December 1993, recognized that:

> "... violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men."

45. The Assembly further recognized "the urgent need for the universal application to women of the rights and principles with regard to equality, security, liberty, integrity and dignity of all human beings", enshrined in international instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, which could contribute to the elimination of violence against women.

46. The Platform for Action (paragraph 112) states that:

> "Violence against women is an obstacle to the achievement of the objectives of equality, development and peace. Violence against women both violates and impairs or nullifies the

enjoyment by women of their human rights and fundamental freedoms. The long-standing failure to protect and promote those rights and freedoms in the case of violence against women is a matter of concern to all States and should be addressed .... In all societies, to a greater or lesser degree, women and girls are subjected to physical, sexual and psychological abuse that cuts across lines of income, class and culture. The low social and economic status of women can be both a cause and a consequence of violence against women."

47. The draft plan of action proposes a set of measures designed to bring about reform to upgrade and ensure the appropriate "fair treatment" response on the part of criminal justice systems to all forms of violence perpetrated against women and the girl child. The measures cover the components and elements of criminal justice operations, including prevention, in terms of research, the role of the media, education, dissemination of information and public awareness-raising and outreach. They are to serve as a guide for, and are therefore primarily addressed to, Governments and the agencies and operatives of their criminal justice systems, and call for their preventive, enforcement and other remedial action. They elicit the assistance and, to the extent possible, the partnership of the United Nations, other concerned intergovernmental organizations and interested non-governmental organizations, agencies, research, scientific and other institutions, the media, groups and individuals, maximizing voluntarism at all levels and with a view to an interdisciplinary solution.

B. Framework and scope

48. The term "violence against women" as used in the plan is understood to mean "violence against women" as defined in the Declaration on the Elimination of Violence against Women (articles 1 and 2) and as reaffirmed and extended in the Platform for Action (paragraphs 113-117). According to article 1 of the Declaration, "violence against women" means: any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.

49. "Violence against women" is defined in article 2 of the Declaration as including, but not limited to:

"(a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

"(b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

"(c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs."

50. To this definition, the Platform for Action additionally includes the violation of the human rights of women in situations of armed conflict,* in particular, murder, systematic rape, sexual slavery and forced

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*In the former Yugoslavia, gross violations of human rights and policies of ethnic cleansing in war-torn and occupied areas created a mass flow of refugees and displaced persons, the majority of whom were women and girls. See the report of the Fourth World Conference on Women (A/CONF.177/20, paras. 133-134). See also General Assembly resolutions 50/192 of 22 December 1995, 3074 (XXVIII) of 3 December 1973, 48/143 of 20 December 1993, 49/205 of 23 December 1994 and relevant Security Council resolutions, in particular resolution 798 of 18 December 1992. See the Final Report of the Commission of Experts Established pursuant to Security Council Resolution 780 (1992) (S/1994/674), in particular annex IX on rape and sexual assault (S/1994/674/Annex IX).

pregnancy; forced sterilization and forced abortion, coercive/forced use of contraceptives, female infanticide and prenatal sex selection. The Platform for Action considered all acts or threats of violence against women, whether occurring within the home or in the community, or perpetrated or condoned by the State, to be violations of human rights. The Platform for Action further identified the following categories of women especially vulnerable to violence and who would be in need of special legal protection and preventive action: women belonging to minority groups; indigenous women; refugee women; women migrants, including women migrant workers; women in poverty living in rural or remote communities; destitute women; women in institutions or in detention; female children; women with disabilities; elderly women; displaced women; repatriated women; women living in poverty; and women in situations of armed conflict, foreign occupation, wars of aggression, civil wars and terrorism, including hostage-taking.

51. Within the sphere of competence, and from the specialized perspective, of crime prevention and criminal justice, the measures outlined in the draft plan build upon the strategic objectives (D.1-3) of the Platform for Action in respect of one of its priority areas of concern, violence against women, and upon its strategic objectives (L.1-9) in respect of another of its priority areas of concern, the girl child, and apply to females of all ages, both to women and to the girl child.[9]

C. Substantive and procedural elements of adequate response measures at the national level

1. Criminal justice system, operations and processes

(i) Policy, decision-making, leadership and reform

52. Measures relating to policy, decision-making, leadership and reform should be taken which:

(a) Ensure that the issues of concern to women are integrated in all policies, procedures, regulations and measures relating to the administration, management and operations of the criminal justice system;

(b) Periodically review and enact the requisite criminal law provisions, procedures, rules of evidence and sanctions to ensure their value in eliminating violence against women in all its forms wherever it occurs;

(c) Develop and enforce codes of conduct for all practitioners involved in any capacity with criminal justice processes and aim at improving their action so as to promote justice and equality and empowerment of women and to remove gender bias and discrimination;

(d) Develop and utilize protocols which stipulate policy, and model procedures to be pursued by the police, prosecution, the judiciary and corrections, and in regard to victims' rights, support and service delivery;

(e) Ensure consistent enforcement of the applicable provisions of criminal law and procedures in such a way so that all criminal acts of violence against women are regarded and responded to accordingly by the criminal justice system across sectors; and

(f) Recruit greater numbers of specialized practitioners, ensuring more balanced gender ratios, including women from minority and indigenous populations, across sectors, in operational and managerial positions, affording equal opportunities in recruitment, training, advancement and career development prospects and power-sharing and decision-making within the criminal justice system.

(ii) Criminal law and procedure and other legal provisions

53. Measures relating to criminal law and procedure and other legal provisions should be taken which:

(a) Review and, accordingly, rescind and, in the absence of adequate, non-discriminatory, criminal codes, law and procedure, adopt penal sanctions and evidentiary rules to prohibit, define as criminal, adequately penalize and deter, and eventually eliminate, all acts of violence against women and against the girl child, as defined above in the Declaration and the Platform for Action;

(b) Prohibit by criminal law all acts of violence against women and the girl child, including, as applicable, threats or coercion, in all its forms, of a physical, sexual and/or psychological nature, wherever they occur, in the workplace, in the home, in the school and other institutions, in society and elsewhere, and irrespective of the perpetrator or his relationship with the female victim;

(c) Adopt specific prohibitive and regulatory law provisions regarding the acquisition, possession, storage in the domicile, sale and use of firearms; including their surrender at the time of arrest and pending trial;

(d) Adopt specific prohibitive and regulatory law provisions regarding acts of abuse of, and trafficking in, narcotic drugs and psychotropic substances under international control;*

(e) Ensure that: (i) female victims are encouraged and assisted in lodging and following through on formal complaints, that such action is facilitated, and that they or other parties may initiate prosecution; (ii) female victims are entitled to testify as witnesses in all court proceedings that involve violence committed against them, and, in the case of homicide, their concerns be represented therein; (iii) the identity of female complainants or witnesses is protected, and the testimony of female victims is admissible and facilitated; (iv) safety risks are taken into account in decisions concerning non- or quasi-custodial sentences, the granting of bail, conditional release, parole or probation; (v) female victims are notified of any form of release of the perpetrator at any time after the perpetrator was arrested or taken into custody during official processes; (vi) female victims are entitled to, and are provided the means of, receiving legal aid, starting at the initial stages and continuing throughout justice processes; (vii) female victims are entitled to have accessible means of legal recourse and to seek restitution or compensation;

(f) Review and consider enabling the admissibility in court proceedings of testimony and other evidence of prior acts and patterns of violence, abuse, stalking, harassment and exploitation on the part of the perpetrator against the female victim and other victims;

(g) Empower the courts with the authority expeditiously to issue protection, restraining and custody orders and set penalties for violations thereof; the police swiftly to make arrests, including for violations of court orders, to enter premises and to confiscate weapons and other illegal material;

(h) In consideration of safety risks for the female victim, strengthen the use and enforcement of court orders; and establish a registration system by which it could be determined whether court orders are in force and could be more effectively monitored, and whether action on breaches thereof could be expeditiously taken;

(i) Ensure that: (i) investigation, detection and burden of proof in evidence-gathering are not gender-biased and do not overburden the victim; (ii) rules of evidence and defences do not have an adverse impact

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*See the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol (United Nations, *Treaty Series*, vol. 976, No. 14152); the Convention on Psychotropic Substances of 1971 (United Nations, *Treaty Series*, vol. 1019, No. 14956); and the United Nation Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (*Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Vienna, 25 November-20 December 1988*, vol. I (United Nations publication, Sales No. E.94.XI.5)).

on female victims and are not prejudicial to their case; (iii) judicial mechanisms and procedures are accessible and sensitive to the needs of the female victims and facilitate the prompt and fair processing of cases; (iv) victim assistance and counselling are provided throughout criminal justice processes; (v) specialized, preferably female, practitioners are employed to the extent possible in various capacities dealing with female victimization, especially in cases of sexual assault and abuse and official processes associated therewith; and

(j) Consider the admissibility of evidence in court proceedings of prior acts and patterns of violence, including abuse, stalking, harassment and exploitation by the perpetrator in proceedings against a female victim.

(iii) Police

54. Measures relating to the police should be taken which:

(a) Ensure that police procedures, including action on the arrest, on the detention and on the terms of any form of release of the perpetrator, should take into account the safety of the victim and other affected individuals and the prevention of further acts of violence;

(b) Empower the police to respond immediately to incidents of violence and to effect arrest; to prevent further violence, harassment, intimidation and coercion, including by removal of the abuser from the domicile; and to confiscate all firearms upon arrest of the perpetrator;

(c) Establish a fair and accessible police complaints process to hold police accountable for their actions;

(d) Establish, where possible, specialized police units with well-trained officers competent to deal with the complexities involved in this type of criminality;

(e) Establish multidisciplinary police and community advisory groups;

(f) Adopt detection procedures and investigative techniques that avoid degrading female victims and minimize intrusion, particularly in cases of rape and other acts of sexual assault and abuse, while at the same time ensuring evidentiary quality.

(iv) Sentencing and corrections

55. Measures relating to sentencing and corrections should be taken which:

(a) Assess sentencing policy, procedures and practices so as to eliminate violence against women, ensuring that: (i) offenders are held fully accountable for their acts; (ii) the violent acts are halted; (iii) sanctions are imposed in proportion to the severity of the act and which are comparable to those for other violent crime; (iv) the severity of the physical and psychological harm and the impact of the victimization are taken into account, including through victim impact statements; (v) a full range of sentencing dispositions are considered to ensure the protection of the female victim, other affected persons and society from further violence; (vi) the sentencing judge can impose a sentence requiring mandatory treatment of the offender, while affording the possibility of rehabilitation during periods of incarceration and of any form of conditional release that takes into account the overriding interest of the safety of the female victim;

(b) Assess correctional policies and practices, exploring possibilities and innovative measures designed: (i) to avoid, to the extent possible and as measures of last resort, the pre- and post-conviction incarceration of females; (ii) to utilize alternatives to incarceration; (iii) to reduce pretrial or preventive detention populations; (iv) to impose minimum sentences; and (v) to accommodate female detainees who have families, particularly those supported by them, including through in-visitation and out-visitation;

(c) Eliminate violence and abuse of women in detention/custody or in an institution; provide for posting only female guards in any facility housing females; and ensure the monitoring of the situation of all female detainees;

(d) In respect of female detainees: (i) establish separate facilities; (ii) provide adequate facilities, services, programmes and resources for their special needs and reintegration into society; (iii) apply special measures for maternity, including in-visitation and out-visitation; and (iv) help families supported by female detainees; and

(e) Develop and evaluate various treatment programmes, rehabilitation designs and modalities for different types of offenders and offender profiles.

(v) Victim support, assistance, health and social services

56. Measures relating to victim support, assistance and services should be taken which:

(a) Establish, fund and coordinate a sustainable network of accessible facilities and services for emergency and temporary residential accommodation for women and children, for example, "one-stop centres", where all necessary assistance and services could be made available, including health care, crisis intervention, support, referral and counselling, in matters relating to the lodging of and follow-up to formal complaints, legal aid and court witness assistance, as well as personal protection, child care and earning a livelihood;

(b) Establish toll-free information and health hotlines and national centres and services and clearing-house facilities;

(c) Ensure mandatory professional training for health care, social work and other practitioners to promote an adequate response to female victimization; and

(d) Design and sponsor innovative programmes designed to caution against and prevent alcohol and substance abuse and to provide instruction on the dangers of firearms, and directed at perpetrations of violence against women and the girl child.

(vi) Criminological research and evaluation

57. Measures involving criminological research and evaluation should be taken which:

(a) Gather data and information on a gender-disaggregated basis for analysis and use in needs assessment and decision- and policy-making in crime prevention and criminal justice;

(b) Develop national crime surveys on the nature and extent of violence against women and the girl child;

(c) Evaluate the efficiency of the criminal justice system in addressing the needs of females subjected to violence;

(d) Monitor and issue annual reports on the incidence of violence against women, arrest and clearance rates, prosecution and case disposition;

(e) Promote the advancement of knowledge and pursue gender-balanced research and studies, and develop methodologies and evaluation techniques that would contribute to the elimination of violence against females, in particular regarding: its forms and dimensions; its causes and effects; the dynamics of domestic

violence; the deterrent effects of various types of intervention; the design and effectiveness of rehabilitation modalities; the use of firearms; the influence of drugs and alcohol, particularly in cases of domestic violence; and the interrelationships between victimization and perpetration of violence.

(vii) Prevention of acts of violence against women and the girl child

58. Measures relating to prevention should be taken which:

(a) Develop and implement a national prevention plan and mechanisms, to undertake coordinated prevention efforts between governmental, non-governmental organizations and local agencies;

Preventive education

59. Measures relating to preventive education should be taken which:

(a) Encourage educators, decision makers on educational policy and practice and administrators at all levels of education to undertake the following measures so as to avoid fostering gender-discriminatory behaviour and attitudes conducive to female victimization, exploitation and abuse: (i) promotion of exemplary, gender-balanced role models by educators and institutions; (ii) creation of the conditions of fairness and full and equal participation, and gender-balanced interpersonal relations; (iii) include information about rights and responsibilities under the law, ethical conducts and international standards and norms; (iv) review and improve educational methods, programmes and content to ensure that they are free of traditional prejudices, that they do not propagate gender inequality and stereotypic gender roles and status and emphasize conflict resolution; (v) empower females at an early age to realize, prevent, seek help and respond to violence perpetrated against them or to which they are exposed; and (vi) provide for a system of early warning, detection, referral and community networking for cases of violence.

Public information, consciousness-raising and outreach concerning the plight of the female victim

60. Measures relating to public information, consciousness-raising and outreach concerning the plight of the female victim of violence should be taken which:

(a) Develop and disseminate information on the different forms of violence against females, in a manner appropriate to the audience concerned, including in educational institutions at all levels;

(b) With regard to female victimization, its prevention, early warning signs and courses of action, establish a system or means of ensuring broad local and country-wide dissemination of various kinds of information and statistics; launch public information campaigns and education programmes that promote gender equality, that inform and raise awareness about, and that build up defences against, violence against females, and that are instructive about measures to eliminate such violence and about the availability of help and support facilities and services;

(c) As one form of outreach, set up special advisory centres for women and the girl child who might be in trouble or in difficult or irregular situations, including those involved in drug abuse or illicit trafficking, those engaged in prostitution and pornography, runaways, street children, the homeless and those experiencing psychological difficulties or trauma;

(d) As a form of outreach, set up special centres where batterers or potential batterers may voluntarily seek help from programmes geared toward the control of anger, the management of violent expression and conflict resolution, as well as attitude modification about gender roles and relations.

Community participation, equal rights and support groups and volunteerism

61. Measures relating to community participation, equal rights and support groups and volunteerism should be taken which:

(a) Support local, community and grass-roots associations, institutions and initiatives, particularly voluntarism, involved in eliminating discrimination against women and the girl child and demonstrable acts thereof like violence;

(b) Support community service providers and street-level outreach initiatives; and

(c) Facilitate the outreach initiatives and activities of non-governmental organizations and gender equality-entities seeking to promote gender equality.

Media

62. Measures relating to the media should be taken which involve:

(a) Inviting the media, media associations and regulatory bodies to consider measures that would inform the public, raise public awareness, develop standards and guidelines, and regulate the violence depicted;

(b) Encouraging the media to examine the impact of and regulate gender-stereotyping, including in advertisements which depict and propagate gender inequality, subordination and discrimination, and which foster violence, abuse, exploitation and maltreatment perpetrated against females; to correct the content and conveyance of gender-adverse messages; to scrutinize and improve programming targeted at and viewed by children and adolescents;

(c) Encouraging the media to play a more constructive role by: projecting non-stereotypic images, gender roles, gender-role models and relations; presenting information about early warning signs, referrals and assistance; fostering public awareness and debate; and presenting prevention messages about violence against women and the girl child; and

(d) Informing the public about gender-adverse content and portrayals in various forms of print and visual media, so as to dispel gender-biased, and to foster gender-balanced, notions and perceptions, and to contribute to reversing traditional public acceptance and condonement of female subordination through violence and other means, and to the rejection of violence in all its forms.

D. Measures and concerted action at the regional and international levels aimed at the elimination of violence against women

1. Regional, subregional and interregional infrastructures for cooperation and mutual assistance

63. Measures concerned with regional, subregional and interregional infrastructures for cooperation and mutual assistance should be taken which:

(a) Pursue various forms of cooperation and collaboration for mutual assistance, the transfer of knowledge and technology and the exchange of information, expertise and experiences;

(b) Make the optimum use of existing cooperative, subregional, regional and interregional arrangements and mechanisms for the purpose of mutual assistance, particularly in database development, information-sharing, training and research;

(c) Foster the active role, work and contributions of the intergovernmental and non-governmental organizations concerned;

(d) Assist Governments, at their request, in undertaking the necessary reform of their criminal justice systems in order to upgrade its overall response, on the basis of the measures set out in the plan;

(e) Contribute to and support the activities of the newly established United Nations Development Fund for Women in order to eliminate violence against women and the girl child and to promote fair treatment in the criminal justice systems.

2. Technical cooperation and training

64. Measures concerned with technical cooperation and training should be taken which:

(a) Utilize the plan as a policy reference and a practical guide for all operational and advisory activities;

(b) Develop and execute practical projects on the basis of the plan;

(c) Disseminate and promote the use of manuals in local languages, and other informative material on different forms of violence against women, in order to promote effective strategies and practices;

(d) Support the technical cooperation activities of the institutes of the United Nations crime prevention and criminal justice programme network.

E. Measures to promote and utilize the plan of action under different legal systems

65. Measures concerned with promoting and using the plan across legal systems should be taken which:

(a) Disseminate the plan in all United Nations official languages, and encourage its translation into local languages;

(b) Make the plan available to, and promote its widest possible usage by, all practitioners dealing with the problem in various capacities, and to the general public, to the extent feasible;

(c) Develop coordinated national, regional and subregional plans and programmes to put the plan into effect;

(d) Design standard training programmes for criminal justice officials at all levels, drawing upon relevant protocols, and develop manuals and other technical material to be used by training centres, to the extent possible, with a view to promoting an understanding of the dynamics of violence against women and the girl child, and ensuring the appropriate, consistent, fair-treatment response to such violence;

(e) Compile a directory of criminal justice measures and responses;

(f) From a gender-balanced perspective, develop methodologies, conduct research, surveys and studies, and undertake in-depth analyses on the incidence and responses to violence against women and the girl child;

(g) Convene regional and interregional seminars and workshops in association with or under the auspices of the United Nations;

(h) Consider the elaboration of a convention on violence against women in all its forms, or of an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women;

(i) Promote the universal ratification of the Convention on the Elimination of All Forms of Discrimination against Women by the year 2000 - the express goal of the international community as proclaimed in the Platform for Action; and

(j) Consider the means and mechanisms of recourse in international law for female victimization in times of war and military occupation.

IV. ACTION REQUIRED OF THE COMMISSION

66. The Commission is invited to consider the draft plan of action, including through its open-ended inter-sessional working group, and to focus on ways and means by which effect could be given to the plan of action, in terms of its follow-up and implementation. Due account should be taken of the various partner agencies within the United Nations system which are involved in system-wide exercises to implement the Beijing Declaration and Platform for Action.

67. As proposed by the Division for the Advancement of Women, and in the context of the exercise by the Economic and Social Council of its coordination function, the Commission may wish to consider the desirability of a broader, system-wide approach to violence against women and the girl child, adopting - within its own specialized field of competence - the set of measures in the draft plan of action, and then pursuing further subsequent consultations with other subsidiary bodies of the Council and with a view to promoting further coordinated work by the corresponding United Nations programmes. A consolidated version of the plan or set of measures could then be considered and adopted by the Council in 1998, the year in which violence against women, the "critical area of concern" of the Platform for Action, will be taken up as part of the multi-year programme of work to review the implementation of sections of the Platform for Action. The Commission may also wish to consider such a consolidated, inter-programme approach to be recommended to the Council in its high-level segment of 1998.

68. The Commission is invited to express its views on possible measures to be taken in respect of the problems of the traffic in women and children and violence against migrant women, for inclusion in the reports of the Secretary-General to the General Assembly at its fifty-first session, in accordance with Assembly resolutions 50/167 and 50/168.

69. The Commission may also wish to comment on General Assembly resolution 50/166 on the role of the United Nations Development Fund for Women in eliminating violence against women, in which the Assembly requested the Fund, in undertaking any activities, to cooperate closely with the competent United Nations organs and bodies, including the Division.* In the terms of reference of the Trust Fund, on the recommendation of the Division, capacity-building and training initiatives include the fair administration of justice, assistance programmes for victims and improvement of the professional skills of criminal justice officials as activities to be supported by the Fund. A crime prevention and criminal justice approach is foreseen as an integral part of the "innovative approach" of the Fund to the elimination of violence against women in all its forms.

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*See note by the Secretary-General on the implementation of General Assembly resolution 50/166 on the role of the United Nations Development Fund for Women in eliminating violence against women (E/CN.6/1996/11).

70. In that connection, the Commission could also appeal to donor countries to contribute to the newly established Trust Fund. Governments should be encouraged to make earmarked funds available for specific short-term and long-term activities designed to promote significant progress toward elimination of violence against women through an upgraded and more effective criminal justice system that ensures fair treatment, and that achieves concrete results by means of rigorous needs assessments and evaluations.

Notes

[1]A/CONF.177/20 and Add.1, chap. I, resolution 1, annex I.

[2]Ibid., annex II.

[3]*Report of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Cairo, 29 April-8 May 1995* (A/CONF.169/16/Rev.1). The report will subsequently be issued as a United Nations sales publication.

[4]*Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985* (United Nations publication, Sales No. E.85.IV.10), chap. I, sect. A.

[5]*Report of the World Conference on Human Rights, Vienna, 14-25 June 1993* (A/CONF.157/24 (Part I)), chap. III.

[6]United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[7]Ibid., vol. 1125, Nos. 17512 and 17513.

[8]*International Legal Materials*, vol. XXXII, No. 6 (November 1994).

[9]A/CONF.177/20 and Add.1, chap. I, resolution 1, annex II, paras. 112-130 and 259-285.